

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Michael D. Rix

v.

Civil No. 05-cv-354-JD

Warren Dowaliby, Superintendent,
Strafford County House of
Corrections, et al.

O R D E R

On April 24, 2006, I recommended that Rix be given the opportunity to amend his complaint to name proper defendants to the claims that I determined sufficiently stated to be served (document nol 27). Rix has responded with an amended complaint (document no. 30) listing the four claims previously approved, namely a claim alleging an improper medical diet, a claim alleging the improper administration of insulin, a claim alleging inadequate toenail care, and a claim alleging inadequate care for a cyst, and naming defendants to each of the claims.

Conclusion

Without commenting on the merits of the complaint, I find that Rix has stated claims upon which relief may be granted against the named defendants as follows: an inadequate medical

diet claim against defendants Warren Dowaliby, Dan Heon, Pauline Zink and Marilyn Jewett, an improper administration of insulin claim against PrimeCare Medical and Sharon Hey, an inadequate care of toenails claim against Dowaliby, and an inadequate care of cyst claim against Janice Stoker, Dr. Benadict Heiderscheidt, Tracy Warren, PrimeCare Medical, and Maxim Healthcare Services. Accordingly, I order that the complaint be served on Defendants.

My review of the file indicates that, with the exception of defendant Dowaliby, for whom a summons form has been provided, plaintiff has not prepared summons forms for the defendants. Plaintiff shall prepare summonses for each defendant named herein and submit them to the Clerk's office within thirty (30) days of the date of this order. Upon receipt of the completed summonses, the Clerk's office shall issue the summonses against defendants and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses and copies of the complaint as well as Rix's other substantive pleadings (document nos. 1, 5, 9, 13, 20 & 30), the previous orders and recommendations issued by this Court (document nos. 7, 8, 10, 27 & 32) and this Order. Upon receipt of the necessary

documentation, the U.S. Marshal's office shall effect service upon Defendants. See Fed. R. Civ. P. 4(c)(2).

Defendants are instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the Defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: June 7, 2006

cc: Michael D. Rix, *pro se*